concerning notice of special elections." The correction was ordered to be made.

Senator Johnson moved to adjourn to 10 a. w. tomorrow in honor of Wash. ington's birthday.

Lost.

Senator Johnson moved to adjourn to 10 o'clock tomorrow, which the chair ruled out of order.

The chair announced the following

joint committees:

Committee on the part of the Senate to visit the educational institutious of the State: Senators Simkins and Gar-

LaTo visit the Southwest asylum: Sen

ators Harrison and Weisiger.

Senator Page moved to adjourn to 9:30 a. m. tomorrow, which prevailed by the following vote:

YEAS-15. Page, Clark, Johnson, Kearby, Pope, Crane, Cranford, Kimbrough, Simkins, Garwood, Lubbock, Tyl-r. Ingram, McKinney, Weisiger. NAYS-8. Finch, Atles. Maetze. Clemens, Frank. Potter, Glasscock, Stephens,

### THIRTY-SIXTH DAY.

SENATE CHAMBER, Austin, February 24, 1891.

Senate met pursuant to adjourn-

President pro tem Cranford in the chair.

Roll called.

No quorum present.

The following Senators answering to their names:

PRESENT-18. Carter, Potter, Ingram, Johnson. Clemens, S ale. Crantord, Simkins, Kearby, Finch, Maetze, Stephens, McKiuney, Frank Townsend, Glasscock, Page, Tyler, ABSENT-Lubbock, Atlee, Garwood, Hacris or, Clark, Pope. Crane, Kimbrough,

Senator Carter moved a call of the Senate which was ordered: The fol lowing Senators answered to their names:

PRESENT-21. Olark. Ingram Potter. Johnson. Cranford Seale. Kimbrough. arter. Simkins.

Clemens. Finch. Frank. Hasscock.

McKinney, Kearby. Maetze, ABSENT- Stephens. Tow mend. Tyler, Weisiger.

Atlee. Uarcison,

Crane. Lubbock. Garwood,

The roll call developed a quorum present.

Prayer by the chaplain, Dr. Smoot. Pend ng the reading of the Journal on motion of Senator Kimbrough further reading of the same was dis-

pensed with.

Senator Frank called attention to error in the Journal of yesterday. In his announcement that he was paired with Senator Townsend on the vote o engross Senate bill No. 69, Journal shows that Senator Townsend would vote no and he (Senator Frank) would vote ave, whereas it should show exactly the reverse.

Journal was ordered to be so cor-

rected.

On motion of Senator Carter the

call was suspended.

Senator Weisiger called attention to error in the Journal where it showed that Senate bil! No. 98 was read first time and pas ed, typographical error was corrected to show the bill read third time and passed.

# COMMITTEE REPORTS. COMMITTEE ROOM,

Austin, February 24, 1891. Hon. Geo. O. Pendleton, President of

the Senate:

Sir-Your Judiciary committee No. 2, to whom was referred

Substitute House bills Nos 24, 167, being "An act to prohibit prize fighting and pugilism,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

With the following amendment: Strike out lines 15 and 16 in section 1 and insert in lieu thereof the following: "by fine of not less than \$500 nor more than \$1000, and by punishment in the county jail not less than sixty

days nor more than one year." All of which is respectfully sub-

mitted.

TYLER, Chairman.

Bill read first time.

COMMITTEE ROOM, Austin, February 24, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir-Your Judiciary committee No.

2, to whom was referred

Senate bill No. 286, being "In act to amend article 4420, chapter two (2), title 88, of the Revised Civil Statutes of the State of Texas,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, with the following amendment: Strike out "thirty five hundred" wherever it occurs, and insert "three thousand" in lieu thereof.

All of which is respectfully submitted.

TYLER, Chairman. COMMITTEE ROOM,

Austin, February 24, 1891. Hon. Geo. C. Pendleton, President of the Senate:

Sir-Your Judiciary committee No.

2, to whom was referred

Senate bill No. 299, being "An act to judges of the supreme court, judges of the court of appeals, judges of the commission of appeals and judges of district courts, mileage going to and returning from their re spective courts to their place of residence and from court to court."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

Tyler, Chairman.

COMMITTEE ROOM. Austin, February 24, 1891. Hon. George C. Pendleton, President

of the Senate:

Sir-Your Judiciary committee No. 2, to whom was referred

Senate bill No. 294, being "An act to an end article 4659 of the revised civil statutes."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass with the following amendments:

First—After the word "Young," in first [clause of the bill, insert the words "Hamilton, Lampasas, Mills."

Second—Amend by inserting after the word "Williamson," in last clause of the bill, the words "Hamilton, Lampasas. Mills."

All of which is respectfully submitted.

TYLER, Chairman.

COMMITTEE ROOM, Austin, February 23, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Judiciary Sir—Your committee No. 1, to whom was referred

"An act to provide for the redemption of real estate sold at force sale. and to set aside sales for inadequacy of price and for other purposes,

Have had the same under consideration, and I am instructed to report the accompanying substitute back to the Senate with the recommendation that it do pass.

Pope, Chairman.

Bills and substitute read first time.

BILLS AND RESOLUTIONS. By Senator Stephens:

An act to restore and confer upon upon the county court of Carson county the civil and criminal jurisdiction heretofore belonging to said court.

Read first time and referred to Committee on counties and county boundaries.

Senator Townsend moved to postpone pending business, and take up out of its regular order Senate bill No. 107.

Lost.

Senator Townsend moved to reconsider, which was ruled out of order by the chair.

## ORDER OF THE DAY.

Senate bill No. 100, entitled "An act to amend an act entitled an act to amend article 566, chapter 2, title 20, of the revised civil statutes of the State of Texas, as amended by the Twentieth Legislature, approved March 23, 1887, and as amended at the special session of the Twentieth Legislature, approved April 30, 1888, and to add article 566a, relating to foreign corporations."

On second reading.

Bill read second time, with favorable committee report and the following committee amendment:

Subdivision 38, as follows:

"38. To act as trustee and to do a general fiduciary and depository business; to act as surety and to a t as guarantor of titles to real property, and the fidelity of employes of other persons.

Such incorporations may act as executors of testimentary guardian when designated such by a decedent or receiver, assignee, trustee or administrator, when designated by any person, corporation or court so to do; provided, that such corporation shall not be appointed administrator unless the persons entitled by law to be appointed shall waive their right in writing in favor of such corporation; Senate bills Nos. 8 and 13, being that the court making such appointment may cause periodical examinations into the affairs to be made at the expense of said corporation, by an auditor or master appointed for the pur-

Provided further, that no corporation shall be chartered under this sub division unless it has an authorized capital of at least \$300,000, and such corporation shall not commence business until \$200,000 has been paid in cash, and a certificate to that effect obtained from the secretary of State after he is satisfied himself of the fact; and if any such corporation shall do any business before the issue of such certificate, the directors shall be individually liable for debts and contracts of the same.'

Senator Simkins offered the follow-

ing amendment:

Amend committee amendment by striking out three hundred and substituting tifty, in subdivision 38, and strike out two hundred, on page 6,

and substitute 50.

Senator Stephens offered the following substitute for the amendment of Senator Simkins, which was accepted by the latter: Amend the last clause of the committee amendment by striking out \$300,000, and insert in lieu thereof \$100,000, and by striking out \$200,000 and inserting \$50,000 in lieu thereof.

Senator Atlee offered the following substitute:

Strike out all of committee amend-

ment, sub div. 38.

Senator Kimbrough made the point of order that an amendment to strike out was not in order when an amendment perfecting the bill was pending. which was sustained by the chair.

The following message was received

from the House:

HALL OF THE HOUSE OF REPRE-) SENTATIVES, AUSTIN, TEXAS, February 21, 1891.

Hon. Geo C. Pendleton, President of the Senate:

Sir—I am instructed to inform the Senae of the passage of Senate bill No. 245,

"An act to incorporate the city of Denison, in Grayson county, Texas, to fix the boundaries thereof and to provide for its government and the man agement of its affairs."

Respectfully,

SAM H. DIXON, Chief Clerk H. of R.

The question recurring to the amendment of Senator Stephens it was adopted by the following vote:

YEAS-15. Harrison, S mkins. Clemens Cranfo d. Kimbrough, Stephens Finch, Ma⊦tze. Townseud. Tyler. Weisiger. Frank, Potter, Garwood, Seale, NAYS-11. McKinney, Glasscock, Atlee. Page, Carter, Ingram, Clark, Johnson. Pope, Kearby,

Senator Atlee offered the following Provided amendment: when such corporation is acting as executor or administrator it shall take the oath. make the bond and qualify as required of other executors or administrators.

Adopted.

Crane,

Senator Simkins moved to reconsider.

Senator Carter moved to lay the motion to reconsider on the table.

Adopted

Senator Glasscock offered the following amendment: Amend by striking out the committee amendment, which was ruled out of order by the chair.

The committee amendment was lost

by the following vote:

YEAS-2.

Simkius. Stephens NAYS-23. McKinney, Garwo d Atlee, Page, Potter, Carter. Glasscock. Harrison, Clark. Clemens. Ingram, Seale, Johnsen, Townsend, Crane. Tyler, Weisiger. Cranford, Kearby, Fi ch, Kimbrough. Frank, Maetze,

Senator Kimbrough offered the fol-

lowing amendment:

Amend by striking out the figures "37" in line 2, page 4, and insert "article 566a," and strike out "article 566 1" in line 5.

Withdrawn.

Senator Simkins offered the follow-

ing amendment:

Amend by adding the emergency and publicnecess ty clause. The large number of bills now pending before the legislature and the advanced state of the session and the large number of enterprises in Texas, now doing business in Texas, but desiring to incorporate under the laws of Texas, create an emergency and imperative public necessity that the constitutional rule requiring all bills to be read on three several days be suspended, and the same is hereby suspended and that this act take effect and be in force from and after its passage, and it is so enacted.

The following messages were received

from the House:

HOUSE OF REPRESENTATIVES.

Austin, February 24, 1891. Hon. George C. Pendleton, President

of the Senate:

Sir-I am directed by the House to inform the Senate that the House has passed House bill No. 15, "An act to incorporate the city of Austin and grant a new charter," under suspension of the rules and by a two-thirds vote, viz: ayes, 84; nays, 1. SAM H. DIXON,

Chief Clerk,

House of Representatives.

Senator Glasscock offered the following amendment:

Amend by striking out subdivision

Senator Pope offered the following substitute for the amendment of Sen ator Glasscock:

Strike out all after the word "for," in line 3, subdivision 37, and insert "to the amount due on their stock an additional amount equal to the stock owned by them."

Adopted.

The amendment as substituted was

adopted.

Senator Frank offered the following amendment:

Amend by striking out lines 29 and

30, page 3.

The following message was received from the House:

HOUSE OF REPRESENTATIVES.

TWENTY SECOND LEGISLATURE. Austin, February 24, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Sir-I am directed by the House to inform the Senate of the passage of the following House bills, to wit:

House bill No. 234, "An act validating the records of deeds, judgments and other muniments of title conveying or affecting lands in Archer, Wichita, Wilbarger, Baylor, Hardeman and Knox counties, between February 10, 1874. and April 23, 1879."

House bill No. 333: "An act to rescind and amend the charter and dissolve the corporation known as the Bowers and Pinev Creek Railway company and to exempt said company from all future duties and obligations thereunder.

House bill No. 413: An act to amend section 5 of an act approved April 2, 1887, entitled "An act to amend section 5 of an act approved February 6, 1884 entitled An act to amend sec tions 5, 7, 26 and 39 of an act entitled An ac to redistrict the State into ju-

holding courts therein, and to provide for the election of judges and district attorneys in said districts at the next general election to be held on the first Tuesday after the first Monday in November, 1884. Approved April 9. 1883."

House bill No. 456, "An act to authorize the Galveston and Western Railway Company to acquire the properry and franchises of the Galveston Air Line Railway Company to own whatves and elevators, and to consolidate with other railway companies in this State.

> SAM. H. DIXON, Chief Clerk, House of Representatives.

The amendment of Senator Frank was adopted by the following vote:

YEAS-16. Harrison, Pope. Atlee. Townsend. Clark, Ingram. Tyler, We siger, Johnson, rane. Cranford, Kearby, McKinney, Finch, Page, Frank, NAYS-9. Seale, Glasscock. Carter. Kimbrough, Simkins, Clemens. Garwood, Maetze, Stephens,

Senator Pope offered the following amendment:

Strike out all of subdivision 29 except the words, "the accumulation and loan of money."

Adopted.

Senator Johnson offered the following amendment:

Amend by striking out all of article 566a after the word "state" in line 7. and down to and including the word "lav" in line 14.

Senator Crane offered the following amendment:

Amend by inserting after the word "incorporation" line 12, page 4, the following: "And the stockholders therein shall be liable to their creditors in the same manner and to the same extent as is prescribed in subdivision 37 of the preceding article in relation to domestic corporations and'

Adopted.

The amendment of Senator Johnson was adopted.

Senator Harrison offered the following amendment:

Amend subdivision 21 by substituting therefor the following: "For constructing, acquiring, maintaining and operating street railways and suburban or belt lines of railway within and near cities and towns."

 $\mathbf{Adopted}$ .

Senator Crane moved to reconsider dicial districts, and to fix the time for the vote by which Senator Johnson's amendment was adopted, and asked to have that motion spread upon the journal.

Senator Kimbrough called up his amendment which had been with-

drawn.

Amend by striking out the figures "37" in line 2, page 4, and insert "article 566a" and strike out the words "article 566a" in line 5.

 $\mathbf{Adopted}$ 

Senator Atlee offered the following

amendment:

Amend subdivision 37 as amended by adding thereto the following: "Provided no stockholder shall be held liable for an amount beyond or in excess of the face value of his stock."

Senator Carter made the point of order that the amendment of Senator Atlee was out of order because it treated of matters already decided by amendments and contradic ory to them, which was overruled by the chair.

Senator Atlee's amendment was lost by the following vote:

YEAS-6. Kimbrough, Atlee, Simkins, Glasscock, Mckinney, Stephens, NAYS-8. Finch. Johnson, Carter, Clark. Frank. Kearby, Clemens, Garwood Maerze, Harrison l'age, Crantord, I gram Potter Townsend Tyler. Weisiger

Senator Stephens offered the following amendment:

Amend by adding subdivision 38. "To act as sureties or guarantors of the fidelity of employes of other per-

sons or corporations."

Senator Johnson made the point of order that the subject matter of this amendment had been stricken out in another section, and could not, therefore, be considered, which was sustained by the chair.

Senator Kimbrough offered the following amendment:

Amend paragraph 28, page 3, by striking out the words "cotton presses" and insert "compresses."

Adopted.

Senator Crane offered the following amendment:

Amend by inserting after subdivision 35, page 3, the following: "35. The e-tablishment of fire insurance companies, and the forming of fire insurance companies."

Lost.

The amendment of Senator Simkins, adding an emergency clause, was adopted.

Senator Crane moved to postpone further consideration of this bill till tomorrow, without prejudice to its place on the calendar. Adopted.

Senator Townsend moved to postpone pending business and take up Senate bill No. 107 out of its regular

order. Lost

Senator Kimbrough moved to reconsider the vote by which Senate bill No. 214, entitl d "An act to amend article 686 of the Revised Statutes of the State of Texas, by adding thereto other articles to be known as articles 686a, 686b, 686c, 686d and 686e, and to provide for establishing, surveying and making the boundary lines of unorganized counties in the State," was passed yesterday, and asked that the motion be spread upon the journal.

Senator Clemens asked unanimous

consent to send up a bill.

Senator Townsend objected.

Senator Finch asked unanimous consent to send up a bill.

Senator Townsend objected.

Senator Stephens moved to postpone pending business and take up out of its regular order Senate bill No. 1.

Lost by the following vote:

1	YEAS-11	•
Carter,	Ga-scock,	Page,
Finch,	Harrison	Potter,
Frank,	Kimbrough,	Seale,
Simkins,	Stephens.	
, ·	NAYS-15	
Atles,	Garwood,	McKinney,
Clark,	Ingram,	Pope,
lemens.	Joh son,	Town-end,
Crane,	Kearby	Tyler,
Cranford,	Meatze,	Weisiger

Senator Townsend moved to postpone pending business and take up out of its regular order Senate bill No.

37TEAG 10

Lost by the following vote:

	YEAS-10	
Cranford,	Page,	Stephens,
Frnk,	Pope,	Townsend,
Harrison,	Simkins,	Tyler.
J. huson,	,	
	NAYS-10	3.
Atlee,	Garwood,	Maetze.
Carter,	Glasse-ck,	McKi ne <b>y</b> ,
Clark,	Ingram,	Potter,
Clemens,	Kearby,	Se le.
Crane,	Kimbrough,	Wei iger.
D: ale		

Senator Carter moved to postpone pending business and take up out of its regular order Senate bill No. 1.

Lost by the following vote:

	YEAS-11.	
Carter,	Glasse ck,	Seale,
ranford,	Kimbrough,	Simkins,
Firch.	Page,	Stephens,
Frank.	Potter,	
	NAYS-15.	
Atlee,	Harrison,	McKinuey
Clark.	Ingram,	Pope,
Clamene	Johnson.	Townsend

Orane, Kearby, Tyler, Garwood, Maetze, Weisiger.

Senator Pope moved to reconsider the motion by which Senator Glasscock's resolution of thanks to the A. & N. W. railway and citizens of Marble Falls was passed ye-terday and asked that his motion be spread upon the Journal.

House bill No. 44, entitled "An act to define and punish usury," was taken up in regular order and read second time.

On the question "Shall this bill pass to a third reading," it was decided in the affirmative.

Senator Stephens moved to postpone pending business and take up out of its regular order Senate bill No. 1.

Senator Johnson moved to lay the motion on the table, which was decided out of order by the chair.

The motion of Senator Stephens was lost by the following vote:

YEAS-11. Glasscock. Carter, Seale Crane, Kimbroush, Simkins Finch, Page, Stephens. Frank. Potter. NAYS-15. Atlee. Harrison, McKinney. Clark, Ingram Pope, Clemens, Townsend. Johnson, Cranford. Kearby, Tyler. Maetze, Weisiger.

Senator Kearby offered the following resolution:

Be it resolved by the Senate of the State of Texas. That hereafter Saturday of each week be, and the same is hereby designated as the day for considering local and special bills, and that all such bills be not considered on any other day than Saturday except by unanimous consent of the Senate.

Senator Kimbrough moved that the resolution be referred to the committee on rules.

Adopted.

By consent Senator Clemens intro-

duced the following bill:

A bill to be entitled "An act to provide for the location, preservation and protection of private beds for the gathering, sowing, bedding, planting or otherwise cultivating obsters and other shell-fish, and to regulate the time and manner of taking and catching obsters and other shell fish, within the limits of the bays and tributaries in Texas, and in the waters along the coast of Texas, affixing penalties, and also to validate such locations heretofore made and bring them within the terms of this act.

Read first time and referred to com- to grant it a new charter.

mittee on commerce and manufacture. By consent, Senator Finch intro-

duced the following bill:

A bid to be entitled "An act to authorize and require the county commissioners courts of the several counties of this State to provide for the payment of all claims due teachers of public free schools, audited as valid claims under acts of the Legislature of Texas, approved August 7, 1876, and April 22, 1879, and to audit and pay such claims as should have been presented to and audited by the boards provided for in said act."

Read first time and referred to com-

mittee on Education.

House bill No. 234, entitled "An act validating the records of deeds. judgments and other muniments of title conveying or affecting lands in Archer, Wichita, Wilbarger, Baylor, Hardeman and Knox counties, between February 10, 1874, and April 23, 1879."

Read first time and referred to Ju-

diciary committee No. 2.

House bill No. 333, entitled, "An act to rescind and aunul the charter and dissolve the corporation known as the Bowers and Piney Creek railway company, and to exempt said company from all further duties and obligations thereunder.

Read first time and referred to committee on Internal Improvements.

House bill No. 413, entitled "An act to amend section 5 of an act approved April 2, 1887, entitled, "An act to ame d section 5, of an act approved February 6, 1884, entitled "An act to amend sections 5, 7, 26 and 39 of an act entitled "An act to redistrict the state into judicial districts, and to fix the times for holding courts therein and and to provide for the election of judges and district attorneys in said districts at the next general election to be held on the first Tue-day after the first Monday in November, 1884. Approved April 9, 1883."

R ad first time and referred to com-

mittee on Judicial Districts.

House bill No. 456, entitled "An act to authorize the Galveston and Western railway company to acquire the property and franchises of the Galveston Air Line railway company; to own wharves and elevators, and to consolidate with other railway companies in this State."

Read first time and referred to committee on Internal Improvements.

House bill No. 15, Intitled "An act to incorporate the city of Austin, and to grant it a new charter.

Read first time and referred to committee on Incorporated Cities and Towns.

Senator Garwood moved to suspend pending business and take up Senate bill No. 93 entitled an act to authorize towns and villages incorporated for free school purposes only, to levy taxes and issue bonds for school purposes which motion prevailed.

Senator Johnson moved to adjourn to 9:30 a. m. to-morrow.

Senator Seale moved to adjourn to 10 a. m. to morrow, which prevailed by the following vote:

## YEAS-15.

Atlee,	Harrison,	Pope,
Cranford,	Ingram,	Seale.
Finch,	Johnson.	Simkins,
Garwood,	Kimbrough	Townsend,
Glascock,	Maetze,	Tyler.

#### NAYS-11.

Carter, Clark, Clemens, Crane,	Frank, Kearby, McKiuney, Page,	Potter, Stephens, Weisiger
---	---	----------------------------------

### THIRTY-SEVENTH DAY

SENATE CHAMBER, Austin, February 25, 1891.

The Senate met pursuant to adjourn ment.

Lieutenant Governor Pendleton in the chair.

Rolf called.

Quorum present.

The following Senators answering to their names:

# PRESENT-25.

.tlee.	Glavacock,	Pope,
Carter,	Harrison,	Potter.
<b>Jark</b>	Ingram,	Seale.
Clemen .	Johnson.	Simkins.
Cr · ne.	Keerby.	Stephens,
Cranford.	Kimbiough.	Townsend.
Finch.	Maetze.	Tyler.
Frank.	McKinney.	Wei₃iger.
Garwood.	Page.	•

Prayer by the chaplain, Dr. Smoot. Pending the reading of the journal on motion of Senator Cranford the further reading of the same was dispensed with.

## PETITIONS AND MEMORIALS.

By Senator Clemens:

Memorial of the Llano county Farmers Alliance.

Read first time and referred to committee on State Affairs.

By Senator Atlee:

Petition of the mayor and aldermen and other city and county officials of Eagle Pass and Maverick City. Texas, praying for an amendment to the act authorizing the cond-mustion of private property for certain public purposes so as to include hospitals and pest houses.

Read first time and referred to committee on Cities and Towns.

By Senator Stephens:

Memorial from the city of Vernon requesting the State to pay claims due the city for money spent by the city in taking care of smallpox patients under the direction of the State health officer.

Read first time and referred to com-

mittee on Finance.

By Senator Glasscock:

Petition from citizens of Austin city asking for passage of the charter for said city.

Read first time and referred to committee on Incorporated Cities and Towns.

By Senator Stephens:

Memorial from T.S. Cox, president of the Northwest Texas Teacher's Association praying for the passage of a law granting State certificates to certain teachers in this State.

Read first time and referred to com-

mittee on Education.

Senator Kimbrough made the following report:

COMMITTEE ROOM, Austin, February 24, 1891.

Hon, Geo. C. Pendleton, President of the Senate:

Sir—Your committee on State Atfairs, to whom was referred

Senate bill No. 304, being "An act to authorize the Governor to appoint a State revenue agent, and to prescribe his powers and duties,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the

following amendments:
Amend section 3, page 3, line 18, by striking out "at or near Austin," and insert in lieu thereof "in Travis

county."

Further amend by adding after section 3, the following: "If the